



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,776	02/11/2002	Richard J. Manzolari	D/A0A46 (1508/3530)	2022
7590 12/14/2007 Gunnar G. Leinberg, Esq. Nixon Peabody LLP Clinton Square P.O. Box 31051 Rochester, NY 14603-1051			EXAMINER STEELMAN, MARY J	
			ART UNIT 2191	PAPER NUMBER
			MAIL DATE 12/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/072,776

Applicant(s)

MANZOLATI, RICHARD J.

Examiner

MARY STEELMAN

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-9,12-16,19-21 and 25-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-9,12-16,19-21 and 25-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to Amendment and Remarks received 10/31/2007. Per Applicant's request, claims 1, 8, and 15 have been amended. Claims 3, 4, 10, 11, 17, 18, and 22- 24, are canceled. Claims 1, 2, 5-9, 12-16, 19-21, and 25-33 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 2, 5-9, 12-16, 19-21, and 25-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The term "coupled to a power supply" is not found in the Specification. The Specification at [0012] recites "Referring to FIG. 1, apparatus 12 can be any type of machine device, or system..." There is no discussion of a power supply. The Specification at [0015-0016] discloses processors may also execute one or more programs of stored instructions for operating parts 14(1) -14(3) of the apparatus 12 and computer readable medium...coupled to the processor. There is no discussion of a power supply. Applicant is requested to remove the term from the claim limitations.

Response to Arguments

4. Applicant's arguments filed 10/31/2007 have been fully considered but they are not persuasive.

Applicant has argued, in substance, the following:

(A) Regarding independent claims 1 and 8 (and similarly recited in independent claim 15), Applicant has argued (page 8 of Remarks), McLean does not teach or disclose the feature of “interrogating one part of a plurality of parts being coupled to a power supply within the apparatus, each of said parts including a respective information component comprising memory and a processor.

Examiner's Response: Applicant emphasizes “a plurality of parts being coupled to a power supply within the apparatus”. McLean disclosed a system. The system includes (Col. 3: lines 29-33) the base station and a plurality of transponders, checktag A and checktag B. Thus McLean's system ‘contains’ the plurality of parts. As Applicant's specification recites that [0012] that apparatus can be any type of machine, device, or system, McLean's disclosed system is analogous. McLean is optimizing performance by adjusting RFID checktags. See claim limitations addressed in claim 1 below. See FIGs. 1, 2, & 3. McLean's **system (apparatus)** is shown in FIG. 1 and includes a computer system, base station and check tags. FIG. 3 is an RFID checktag. Col. 5: 66-67, “The RFID checktag 160 may be adapted to derive electrical power from the interrogating signal provided by the base station 120, or may include an internal power source (e.g. battery) (a plurality of parts being coupled to a power supply within the apparatus).

Thus, McLean's system (apparatus) does disclose a plurality of parts (RFID checktags) coupled to a power supply within the apparatus (power supply in RFID checktag is within apparatus).

(B) Regarding claims 28, 29, and 30, Applicant has (page 9) argued the prima facie case of obviousness for the combination of McLean and Groenteman.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, Groenteman disclosed (Abstract) a copying machine, a processor that gathers and generates status information and transmits using a wireless transceiver. Corrective actions are taken in controlling operation of the copying circuitry. See FIG. 2. Col. 2, lines 55-63, "Copier monitoring network 20 includes a plurality of copying machines 10, each having a wireless transceiver for communicating status information to a base processor..." It would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the teachings of McLean, as disclosed by Groenteman, because (Groenteman: Col. 1, lines 30-35) Groenteman recognized the need for communicating status information and corrective adjustment through wireless communications. Likewise, McLean recognized the benefit of remotely adjusting a system (McLean: Col. 2, lines 9-25) to automate ongoing maintenance.

Note, McLean (col. 6:64 – col. 7: 5), “the invention also applies generally to any communication system where a base unit communicates with one or more transponders, e.g., tags. The communication device is not limited to radio frequency but includes any media for communicating information, e.g., laser...and / or other electromagnetic media. All of these systems are generally similar in that they involve the transmission and receipt of an energy signal (coupled to a power supply).”

Applicant’s claims are very broad. Independent claim limitations do not limit invention to digital copier or laser printer features noted in [0019]. Specification at [0012] recites, “apparatus can be any type of machine, device, or system...”

Page 10 of Remarks provides a generalization of the invention. Smart parts (RFID checktags) with relaxed and / or changing tolerance characteristics stored in memory (#168) of information components of the parts. Through interrogation (col. 6: 26) of the parts, instructions are determined / transmitted to the parts to optimize. McLean teaches such an apparatus. RFID checktags store / adjust characteristics in memory (Col. 5: 59-60).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 2, 5-9, 12-16, 19-21, and 28-33 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,486,769 B1 to McLean.

Per claims 1, 8, and 15:

A method for optimizing performance of at least one operation performed by an apparatus, comprising:

interrogating one part of a plurality of parts being coupled to a power supply within the apparatus, each of said parts including a respective information component comprising memory and a processor;

receiving, from the information component of the interrogated part, information about the one part transmitted from the information component of the one part,

determining if any other of the plurality of parts need to be interrogated;

interrogating each of the determined other parts to receive information about each of the other parts from the respective information components of the other parts;

determining instructions for optimizing the at least one operation of the self-contained apparatus based on the received information;

transmitting the instructions to the information component of at least one interrogated part for execution by the processor to optimize the at least one operation.

McLean disclosed (col. 5: 51-col. 6: 4) RFID checktag A (there are a plurality of checktags in the system) with memory 168, and control logic 166. A radio frequency communication system comprises (Abstract) a controller adapted to send and received data from two subsets of a plurality of transponders (checktags). Control logic 166 accesses the memory 168 to read and /or write data therefrom. Col. 5: 55, "The control logic 166 controls the functions of the RFID checktag A 160 in response to commands provided by the Base station 120 (interrogating). Col. 6: 5-67 discloses a series of queries and checks of a plurality of checktags, receiving information and providing optimization settings. Note col. 6: 64-67, "the invention also applies generally to any communication system where a base unit communicates with one or more transponders, e.g., tags."

See FIGs. 1, 2, & 3. McLean's **system (apparatus)** is shown in FIG. 1 and includes a computer system, base station and check tags. FIG. 3 is an RFID checktag. Col. 5: 66-67, "The RFID checktag 160 may be adapted to derive electrical power from the interrogating signal provided by the base station 120, or may include an internal power source (e.g. battery) (a plurality of parts being coupled to a power supply within the apparatus). Thus, McLean's system (apparatus) does disclose a plurality of parts (RFID checktags) coupled to a power supply within the apparatus (power supply in RFID checktag is within apparatus).

Note, McLean (col. 6:64 – col. 7: 5), "the invention also applies generally to any communication system where a base unit communicates with one or more transponders, e.g., tags. The communication device is not limited to radio frequency but includes any media for

communicating information, e.g., laser...and / or other electromagnetic media. All of these systems are generally similar in that they involve the transmission and receipt of an energy signal (coupled to a power supply).”

Per claims 2, 9, and 16:

-identifying the at least one operation being optimized.

McLean: Col. 6: 52-61

Per claims 5, 12, and 19:

information received from at least one of the interrogated parts comprises at least one functional parameter of the at least one part.

McLean: Col. 5: 51, “The RF transmitter (of checktagA) may further comprise a modulator adapted to backscatter modulate (functional parameter) the impedance match with the antenna 162 in order to transmit data signals by reflecting a continuous wave signal...”

Per claims 6, 13, and 20:

the information received from at least one of interrogated parts comprises at least one algorithm of the part.

McLean: Col. 5: 51, “The RF transmitter (of checktagA) may further comprise a modulator adapted to backscatter modulate (algorithm) the impedance match with the antenna 162 in order to transmit data signals by reflecting a continuous wave signal...”

Per claims 7, 14, and 21:

comparing, for at least one of the interrogated parts, the received information about the part against stored information to obtain a difference;
using the difference to determine the instructions for optimizing the at least one operation.

McLean: Col. 6: 52-61.

Per claims 25, 26, and 27:

receiving the information about the interrogated parts involves receiving wireless communication.

McLean: See FIG. 1, wireless communication

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 28, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,486,769 B1 to McLean, in view of USPN 5,398,257 to Groenteman.

Per claims 28, 29, and 30:

McLean failed to disclose:

the self-contained apparatus is one of a copier and a printer.

However, Groenteman disclosed (Abstract) a copying machine, a processor that gathers and generates status information and transmits using a wireless transceiver. Corrective actions are taken in controlling operation of the copying circuitry. See FIG. 2. Col. 2, lines 55-63, "Copier monitoring network 20 includes a plurality of copying machines 10, each having a wireless transceiver for communicating status information to a base processor..."

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the teachings of McLean, to include a copy feature, as disclosed by Groenteman, because (Groenteman: Col. 1, lines 30-35) Groenteman recognized the need for communicating status information and corrective adjustment through wireless communications. Likewise, McLean recognized the benefit of remotely adjusting a system (McLean: Col. 2, lines 9-25) to automate ongoing maintenance.

8. Claims 31, 32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,486,769 B1 to McLean, in view of USPN 5,398,257 to Groenteman, and further in view of US Patent 6,494,370B1 to Sanchez.

Per claims 31, 32, and 33:

McLean / Groenteman failed to disclose:

-the received information includes characteristics of at least one of a photoreceptor, a laser diode, a bias charge roll, and a full erase light.

However, Sanchez disclosed (Abstract) an electro-optic systems are known in the art for providing an interface between electronic and optically-based systems. Such electro-optic systems are used in a variety of applications including telecommunications, remote sensing, medical devices, and in other fields as well. See FIG. 2 Col. 2: 60, “The laser module 270 may include a cooling/heating element 271, a operating temperature sensor 272, a laser output power sensor 273, and a laser 274, which may be a laser diode or a light emitting diode (LED). Col. 7: 3, “in a larger electro-optic system 230, 240 such as a wavelength division multiplexing (WDM) system in which the system 230, 240 includes multiple channels, each channel having the aforementioned components 250-275, the controller 300 may operate to control the operations of some or all of the components within each channel.” Col. 9:23, “Steps 7,8 are done in order to perform calibration of photodiode current at laser threshold and to set the laser current threshold during calibration. The measurement utilizes a light power meter instrument connected to the transceiver undergoing calibration. FIG. 6 explains the various parameters utilized for the calibration.”

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify McLean, using the teachings of Sanchez, because one would be motivated to calibrate the values of a remote part to make the device more accurate.

Conclusion

9. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Steelman, whose telephone number is (571) 272-3704. The examiner can normally be reached Monday through Thursday, from 7:00 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached at (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

Application/Control Number:
10/072,776
Art Unit: 2191

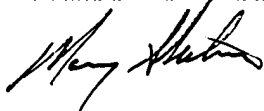
Page 13

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mary Steelman

12/04/2007

MARY STEELMAN
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read "Mary Steelman", is written over the printed name and title.